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G A N Z
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Date:	September 15, 2003	From:	Bradley M. Ganz
To:	**Examiner Andre Boyce** **TC 3600**	Regarding:	U.S. Patent Application No. 09/538,570 Attorney Docket No.: BIZ/99-0008
Telephone:		Pages	24 + Cover Sheet
Facsimile:	(703) 872-9326	Copies to:	

Dear Examiner Boyce:

Enclosed for filing in the above-referenced matter are the following documents:

- Transmittal Form;
- Fee Transmittal;
- Credit Card Payment Form;
- Petition for Extension of Time (duplicate); and
- Amendment and Response to Office Action Dated March 13, 2003.

If there are any questions, please let us know.

Sincerely,

Bradley M. Ganz

OFFICIAL

A Professional Corporation

239 NW 13th Avenue, Suite 309, Portland, Oregon 97209 t 503.224.2713 f 503.296.2172 mail@ganzlaw.com

PTO/SB/21 (03-03)
Approved for use through 04/30/2003. OMB 0651-0031
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/538,570
Filing Date	March 29, 2000
First Named Inventor	George J. Rebane
Art Unit	3623
Examiner Name	Andre Boyce
Attorney Docket Number	BIZ/99-0003

Total Number of Pages in This Submission 24

ENCLOSURES (*Check all that apply*)

- ☑ Fee Transmittal Form
  - ☑ Fee Attached
- ☑ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☑ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) ________
- ☐ After Allowance Communication to a Technology Center (TC)
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Bradley M. Ganz
Signature	
Date	September 15, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: September 15, 2003

Typed or printed	Shannon Verboort		
Signature	Shannon Verboort	Date	September 15, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, Washington, DC 20231.**

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 930.00

Complete if Known

Application Number	09/538,570
Filing Date	March 29, 2000
First Named Inventor	George J. Rebane
Examiner Name	Andre Boyce
Art Unit	3623
Attorney Docket No.	BIZ/99-0008

METHOD OF PAYMENT *(check all that apply)*

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 50-1001
Deposit Account Name: Bradley M. Ganz

The Commissioner is authorized to: *(check all that apply)*

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims		Fee from below		Fee Paid
Total Claims		-20** =		X		=	
Independent Claims		- 3** =		X		=	
Multiple Dependent						=	

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	930.00
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) ________

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 930.00

SUBMITTED BY (Complete *(if applicable)*)

Name *(Print/Type)*	Bradley M. Ganz	Registration No. *(Attorney/Agent)*	34,170	Telephone	(503) 224-2713
Signature				Date	September 15, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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#10 aw
9-20-03

PTO/SB/22 (06-03)
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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional) BIZ/99-0008

In re Application of George J. Rebane

Application Number 09/538,570

Filed March 29, 2000

For System and Method for Data Collection . . .

Art Unit 3623

Examiner Andre Boyce

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

☐ One month (37 CFR 1.17(a)(1))	$
☐ Two months (37 CFR 1.17(a)(2))	$
☒ Three months (37 CFR 1.17(a)(3))	$ 930.00
☐ Four months (37 CFR 1.17(a)(4))	$
☐ Five months (37 CFR 1.17(a)(5))	$

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: $____________.

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1001.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
~~Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).~~

☒ attorney or agent of record. Registration Number 34,170

☐ attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) ____________

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September 15, 2003
Date

Signature

(503) 224-2713
Telephone Number

Bradley M. Ganz
Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of ____________ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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#11
9-20-03

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

George J. Rebane

Serial No.: 09/538,570

Filed: March 29, 2000
Attorney Docket No.: BIZ/99-0008

For: SYSTEM AND METHOD FOR DATA COLLECTION, EVALUATION, INFORMATION GENERATION, AND PRESENTATION SYSTEM AND METHOD FOR DATA COLLECTION, EVALUATION, INFORMATION GENERATION, AND PRESENTATION

Commissioner for Patents
PO Box 1450
Alexandra, VA 22313-1450

Date: September 15, 2003

Examiner: Andre Boyce

Art Unit: 3623

CERTIFICATE OF FACSIMILE

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING SENT VIA FACSIMILE TO THE US PATENT OFFICE TO EXAMINER ANDRE BOYCE AT FACSIMILE NUMBER (703) 872-9326 ON THE DATE INDICATED BELOW.

Shannon Verboort
Date of Deposit: September 15, 2003

AMENDMENT AND RESPONSE TO OFFICE ACTION DATED MARCH 13, 2003

Sir:

In response to the Office action of March 13, 2003 please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 15 of this paper.

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Amendments to the Specification:

Please replace the paragraph beginning on page 43, line 9 with the following rewritten paragraph:

B1

A central component of the schema of Fig. 7 is an Extended Kalman Filter or ("EKF"). The EKF is detailed in Fig. 8. Generally, the EKF uses a computational (recursive) solution of the minimum variance ~~Baysian~~ Bayesian estimation method. The EKF is powerful in several aspects: it supports estimations of past, present, and even future states. It can do so even when the precise nature of the modeled system is unknown. In addition to smoothing noisy data, evaluating small samples of data, and providing a basis for estimations, the EKF also provides a method of weighting data values according to the recency or level of noise corruption of the data. This may be important because, for example, data collected in a later portion of a data collection interval (data window) is likely to be more indicative of present trends than is data collected at the earlier portion of the interval (older data).

Please replace the paragraph beginning on page 44, line 8 with the following rewritten paragraph:

B2

In one preferred embodiment, a true rating *A* is determined using an adaptation of an Extended Discrete Kalman filter. It is to be understood that the following embodiment is presented for purposes of illustration not limitation. Persons skilled in the art will appreciate that other adaptations of Kalman filters are within the scope and spirit of the present invention. In connection with the following discussion, reference may be made to Figs. 7 and 8, which help illustrate the principles being discussed. Hereinafter, a processing module that can smooth noisy or variable data using a computational (recursive) solution of the minimum variance ~~Baysian~~ Bayesian estimation method is referred to as a Data Stabilizer or "DS" for short.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (currently amended) A system for data collection, evaluation, information generation, and/or presentation comprising:

a data capture server capable of receiving data from a data source;

one or more databases for receiving data from the data capture server;

a plurality of processing modules in communication with each other and/or the one or more databases, each processing module performing a predefined operation on data stored in a database or received from a processing module, at least two processing modules being selected from the group consisting of: a statistical analysis processing module; a data stabilizer processing module for smoothing noisy or variable data using a computational solution of a minimum variance Bayesian estimation method; a saturation limited forecasting module for using available historical or recently captured data along with an estimated and/or available saturation population function as the basis for an algorithm that defines the growth of the population to a maximum attainable level; a dynamic activity-level icon module for iconically indicating to the user of a remote computer system a level of activity at a predetermined network site; and an alarm filter module for monitoring data rates and sending a signal based on deviations from desired thresholds from a normative rate;

B3

one or more databases in communication with one or more processing modules for storing processed data received from a selected processing module; and a presentation server in communication with one or more of the databases for receiving items of data stored therein and presenting selected items of data.

2. (original) The system of claim 1 wherein the data capture server is in communication with a data source comprising one or more remote computer systems.

3. (original) The system of claim 2 wherein the data capture server is adapted to receive data from computer systems of consumers following an online e-commerce transaction.

4. (original) The system of claim 1 wherein at least three of said processing modules are selected.

5. (original) The system of claim 1 wherein four of the processing modules are selected.

6. (original) The system of claim 1 wherein all five of the processing modules are selected.

7. (original) The system of claim 3 wherein at least three of said processing modules are selected.

8. (currently amended) A system for data collection, evaluation, information generation, and/or presentation comprising:

a data capture server capable of receiving data from a data source over a computer network, the data source providing data related to a transaction between buyers and sellers;

one or more databases for receiving data from the data capture server;

a plurality of processing modules in communication with each other and/or one or more of the databases, each processing module performing a predefined operation on data stored in a database or received from a processing module, at least two processing modules being selected from the group consisting of: a statistical analysis processing module; a data stabilizer processing module for smoothing noisy or variable data using a computational solution of a minimum variance Bayesian estimation method; a saturation limited forecasting module for using available historical or recently captured data along with an estimated and/or available saturation population function as the basis for an algorithm that defines the growth of the population to a maximum attainable level; a dynamic activity-level icon module for iconically indicating to the user of a remote computer system a level of activity at a predetermined network site; and an alarm filter module for monitoring data rates and sending a signal based on deviations from desired thresholds from a normative rate;

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one or more databases in communication with one or more processing modules for storing processed data received from a selected processing module; and

a presentation server in communication with one or more of the databases for receiving items of data stored therein and presenting selected items of data as data or information, data on the presentation server being accessible to remote computer systems via a network.

9. (original) The system of claim 8 wherein the network over which the data source and data capture server communicate is the Internet.

10. (original) The system of claim 9 wherein the presentation server is accessible by remote computer systems via the Internet.

11. (original) The system of claim 9 further comprising a survey server that serves a survey questionnaire to a remote computer system comprising a data source so that a user of a remote computer system comprising the data source can complete the survey questionnaire, a completed survey questionnaire containing data supplied by the user being returnable to the data capture server over the Internet.

12. (original) The system of claim 11 wherein the remote computer systems comprise a plurality of consumer computer systems and the completed survey questionnaire contains data about an online transaction between the consumer and a merchant.

13. (original) The system of claim 10 wherein the remote computer systems comprise one or more merchant computer systems.

14. (original) The system of claim 10 wherein the remote computer systems comprise a plurality of consumer computer systems.

15. (original) The system of claim 10 wherein the presentation server is accessible by a plurality of merchant and consumer computer systems.

16. (original) The system of claim 10 wherein the presentation server serves data comprising ratings about online merchants, the ratings being based on data collected by the data capture server from consumer computer systems.

17. (original) The system of claim 14 wherein at least three of the processing modules are selected.

18. (original) The system of claim 1 wherein one selected processing module comprises a statistical analysis processing module and one selected processing module comprises an alarm filter module.

19. (original) The system of claim 1 wherein one selected processing module comprises a statistical analysis processing module and one selected processing module comprises a dynamic activity-level icon module.

20. (original) The system of claim 1 wherein one selected processing module comprises a statistical analysis processing module and one selected processing module comprises a saturation limit forecasting module.

21. (original) The system of claim 15 wherein one selected processing module comprises a statistical analysis processing module and one selected processing module comprises a data stabilizer module.

22. (original) The system of claim 15 wherein one selected processing module comprises a statistical analysis processing module and one selected processing module comprises an alarm filter module.

23. (original) The system of claim 15 wherein one selected processing module comprises a statistical analysis processing module and one selected processing module comprises a dynamic activity-level icon module.

24. (original) The system of claim 15 wherein one selected processing module comprises a statistical analysis processing module and one selected processing module comprises a saturation limit forecasting module.

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25. (currently amended) The system of claim ~~15~~ 11 wherein one selected processing module comprises a statistical analysis processing module and one selected processing module comprises a data stabilizer module.

26. (original) The system of claim 22 further comprising a data stabilizer processing module.

27. (original) The system of claim 23 further comprising an alarm filter processing module.

28. (original) The system of claim 24 further comprising a data stabilizer processing module.

30. (original) The system of claim 27 further comprising a data stabilizer processing module.

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31. (currently amended) The system of claim ~~26~~ 14 further comprising a dynamic activity-level icon processing module.

32. (original) The system of claim 11 wherein the presentation server includes the survey server.

33. (original) The system of claim 11 wherein the data capture server includes the survey server.

34. (original) The system of claim 11 wherein a single server includes the data capture server, the presentation server and the survey server.

35-50 (cancelled)

51. (currently amended) A method for data collection, evaluation, information generation, and/or presentation comprising:

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capturing data from a data source in a data capture server;

transferring data from the data capture server to one or more databases for receiving data;

transferring data from the one or more databases to one or more processing modules, each processing module capable of performing a predefined operation on transferred data, at least two processing modules being selected from the group consisting of: a statistical analysis processing module; a data stabilizer processing module for smoothing noisy or variable data using a computational solution of a minimum variance Bayesian estimation method; a saturation limited forecasting module for using available historical or recently captured data along with an estimated and/or available saturation population function as the basis for an algorithm that defines the growth of the population to a maximum attainable level; a dynamic activity-level icon module for iconically indicating to the user of a remote computer system a level of activity at a predetermined network site; and an alarm filter module for monitoring data rates and sending a signal based on deviations from desired thresholds from a normative rate, the one or more processing ~~module~~ modules outputting processed data or information;

presenting selected items of processed data or information via a presentation server.

52. (original) The method of claim 51 wherein the data is transferred to the data capture server by one or more remote computer systems via a network.

53. (original) The method of claim 51 wherein the captured data relates to e-commerce transactions.

54. (currently amended) The method of claim ~~52~~53 wherein the e-commerce transactions comprise ~~on-line transactions are~~ consumer-merchant transactions.

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55. (currently amended) The method of claim ~~52~~ 53 wherein the ~~online~~ e-commerce transactions ~~are~~ comprise business to business transactions.

56. (original) The method of claim 52 wherein the data is transferred to the data capture server via consumer computer systems.

57. (original) The method of claim 51 wherein at least three of said processing modules are selected.

58. (original) The method of claim 51 wherein four of the processing modules are selected.

59. (original) The method of claim 51 wherein all five of the processing modules are selected.

60. (original) The method of claim 54 wherein at least three of said processing modules are selected.

61. (original) The method of claim 54 wherein the network comprises the Internet.

62. (original) The method of claim 54 further comprising providing a survey server that serves a survey questionnaire to one or more remote computer systems comprising data sources so that a user of a remote computer system comprising the data source can complete the survey questionnaire, a completed survey questionnaire containing data supplied by the user being returnable to the data capture server over the Internet.

63. (original) The method of claim 62 wherein the one or more remote computer systems comprise a plurality of consumer computer systems and the completed survey questionnaire contains data about an online transaction between the consumer and a merchant.

64. (original) The method of claim 54 wherein the remote computer systems comprise one or more merchant computer systems.

65. (original) The method of claim 51 wherein the presentation server is accessible by a plurality of merchant computer systems.

66. (original) The method of claim 51 wherein the presentation server is accessible by a plurality of consumer computer systems.

67. (original) The method of claim 66 wherein the presentation server serves data comprising ratings about online merchants.

68. (original) The method of claim 67 wherein the ratings are derived from data collected by the data capture server from consumer computer systems.

69-88 (cancelled)

89. (currently amended) A presentation server that includes web pages containing data or information that has been derived from at least two processing modules selected from the group consisting of a statistical analysis processing module; a data stabilizer processing module for

B9

smoothing noisy or variable data using a computational solution of a minimum variance Bayesian estimation method; a saturation limited forecasting module for using available historical or recently captured data along with an estimated and/or available saturation population function as the basis for an algorithm that defines the growth of the population to a maximum attainable level; a dynamic activity-level icon module for iconically indicating to the user of a remote computer system a level of activity at a predetermined network site; and an alarm filter module for monitoring data rates and sending a signal based on deviations from desired thresholds from a normative rate, the web pages being accessible to a plurality of remote merchant systems over a computer network.

B9

90. (currently amended) A presentation server that includes web pages containing data or information that has been derived from at least two processing modules selected from the group consisting of a statistical analysis processing module; a data stabilizer processing module for smoothing noisy or variable data using a computational solution of a minimum variance Bayesian estimation method; a saturation limited forecasting module for using available historical or recently captured data along with an estimated and/or available saturation population function as the basis for an algorithm that defines the growth of the population to a maximum attainable level; a dynamic activity-level icon module for iconically indicating to the user of a remote computer system a level of activity at a predetermined network site; and an alarm filter module for monitoring data rates and sending a signal based on deviations from desired thresholds from a normative rate, the web pages being accessible to a plurality of remote consumer computer systems over a computer network.

91. (original) The presentation server of claim 89 wherein the network comprises the Internet.

92. (original) The presentation server of claim 90 wherein the network comprises the Internet.

93. (original) The presentation server of claim 91 wherein the web pages include evaluation information about merchant performance, the information being derived from data processed by a selected processing module.

94. (original) The presentation server of claim 92 wherein the web pages include ratings of merchant websites, the ratings being derived from data processed by a selected processing module.

95. (original) The presentation of claim 90 wherein the web pages include ratings information for one or more products; the ratings information being derived from data captured from remote computer systems.

Remarks/Arguments

Claims 1-34, 51-68 and 89-95 are pending in the application. Claims 35-50 and 69-88 have been cancelled. Claims 1-34, 51-68 and 89-95 are rejected.

Claim 29 is missing. For ease of referencing the claims in the following remarks, Applicant requests that the claim numbering be kept as it is. If the Examiner determines that all claims are in condition for allowance, Applicant will then renumber the claims in accordance with 37 CFR 1.126. The Examiner is hereby authorized to enter such amendments by Examiner's amendment at any time.

Claims 21 and 25 are duplicates and 30 and 31 are duplicates. Amendments have been made to change the dependency of a duplicate in each set, eliminating the duplication of the claims.

Although not objected to, claim 51 has been amended to clarify which processing modules are referenced.

Claim Rejections under 35 USC §112

Claims 54 and 55 were rejected under 35 USC 112, second paragraph, as lacking antecedent basis for the phrase "online transaction". The claims have been amended to change dependency and use terminology from the base claims.

Claim Rejections under 35 USC § 102

Claims 1-5, 7-11, 13-15, 17-19, 21-23, 25-57, 30-34, 51-68, and 89-93 are rejected under 35 USC 102(e) as being anticipate by Papierniak et al (USP 6,128,624).

Applicant respectfully requests reconsideration of this grounds for rejection as the present invention may be readily distinguished over Papierniak. The present invention does this by providing a number of processing modules that are unique to a thru-flow system and methods.

All independent claims require two or more of "a statistical analysis processing module; a data stabilizer processing module; a saturation limited forecasting module; a dynamic activity-level icon module; and an alarm filter module". Applicant will demonstrate that Papierniak does not disclose the two or more modules as taught and claimed in the present invention.

Data Stabilizer Processing Module

The definition of this module is indicated at pages 42-56, and in particular at page 44, lines 12-14 of the application. In accordance with this disclosure, the claims have been amended to recite that data stabilizer processing module is "for smoothing noisy or variable data using a computational solution of a minimum variance Bayesian estimation method". All independent claims have been amended to reflect this definition. Papierniak does not in anyway teach or suggest a data stabilizer so defined. What the Examiner considers to be a data stabilizer are "indexing and formatting via tracking module 300, [per] Figure 7". However, Fig. 7 and associated text do not mention indexing and formatting. Papierniak at Col. 13, line 37-39 mentions indexing and formatting, but does not explain what is meant or how it is done. In any event, indexing and formatting data do not equate to or require data stabilization, as defined in the claims of the present invention. If the Examiner continues to maintain that Papierniak discloses the claimed data stabilization, Applicant requests that the Examiner more specifically explain how indexing and formatting constitute the claimed data stabilization.

Saturation Limited Forecasting Module

The definition of this module is indicated at pages 61-68, and in particular at page 61, lines 19-22 of the application. In accordance with this disclosure, the claims have been amended to recite that the data stabilizer processing module is "for using available historical or recently captured data along with an estimated and/or available saturation population function as the basis for an algorithm that defines the growth of the population to a maximum attainable level." The Examiner has not cited any passage or Figure in Papierniak that discloses a saturation limited forecasting module. If the Examiner continues to maintain that Papierniak discloses the claimed saturation limited forecasting module, Applicant requests that the Examiner more specifically identify what in Papierniak constitutes any such disclosure.

Dynamic Activity-Level Icon Module

The definition of this module is indicated at pages 68-73, and particularly at page 68, lines 26-29. In accordance with this disclosure, the claims have been amended to recite that the dynamic activity icon is "for iconically indicating to the user of a remote computer system a level of activity at a predetermined network site". What the Examiner considers to be a dynamic activity-level icon module is web tracking module 300 in Papiemiak, as described at an unspecified location in Col. 16. However, nothing in Col. 16 teaches the use of an icon that indicates to user of a remote computer the level of activity at another location, as claimed. In Col. 16, there is mention that data may be captured, such as hits to a site. However, there is no teaching that such captured data is presented in an iconic form representing a level of activity. (Icon is defined in the Specification as a graphical or other representation of activity—see pages 67-71.) If the Examiner continues to maintain that Papierniak discloses the claimed dynamic activity-level icon module, Applicant requests that the Examiner more specifically explain how anything in Papierniak constitutes the claimed module.

Alarm Filter Module

The definition of this module is indicated at pages 56-61, and particularly at page 56, lines 17-19. In accordance with this disclosure, the claims have been amended to recite that the alarm filter module is "for to monitoring data rates and sending a signal based on deviations from desired thresholds from a normative rate." What the Examiner considers to be an alarm filter module is "policy and operation parameters for collection via tracking module 300... column 13, lines 10-16. However, this disclosure does not mention monitoring data rates or sending a signal based on rate deviations.

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Applicant notes that the original claims, when read in light of the specification, clearly distinguish over Papierniak, alone or in combination with the other cited reference. It appears that the present rejections were made without a sufficient reading of Applicant's specification and adherence to the principle that claims must be interpreted in light of the specification. The claims are amended to incorporate definitional information from the Specification for the Examiners' convenience.

Independent claims 1, 8, 51, 89, 90 all require at least one of the foregoing patentably distinct modules. Accordingly, all independent claims and their directly or indirectly dependent claims are patentable and should be deemed allowable.

Claim Rejections under 35 USC § 103

Claims 6, 20, 24 and 28 are rejected under 35 USC 103(a) as being unpatentable over Papierniak et al (USP 6,128,624) and alleged common knowledge. Claims 12, 16, 94, and 95 are rejected under 35 USC 103(a) as being unpatentable over Papierniak et al, in view of Sundaresan (US Pat. App. 2003/0033299). Papierniak does not disclose all elements of the claims independent claims from which these claims directly or indirectly depend. Therefore, a prima facie case of obviousness has not been made.

(In view of the foregoing reasons for distinguishing over the cited references, Applicant has not raised other possible grounds for traversing the rejections, and therefore nothing herein should be deemed as acquiescence in any rejection or waiver of arguments not expressed herein.)

CONCLUSION

Applicant submits that in view of the foregoing arguments and/or amendments, the application is in condition for allowance, and favorable action is respectfully requested. The Commissioner is hereby authorized to charge any fees, including extension fees, which may be required, or credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

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